

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 0:23-cv-01497-JRT-DTS

LUCILA MARTINEZ-VIVANCO,

Petitioner,

v.

FCI WASECA WARDEN,

Respondent.

DECLARATION OF Deportation Officer Neil Petrash

1. I, Neil Petrash an employed the United States Department of Justice, Immigration and Customs Enforcement ("ICE"), as a deportation officer at Fort Snelling, MN. I have been employed by ICE since 10/2/2016.

2. As part of my official duties, I have access to records maintained by ICE in the ordinary course of its business, including all records maintained in the Petitioner Lucila Martinez-Vivanco's immigration file, file number A 208 442 854.

3. I have been advised that Petitioner is an inmate at FCI Waseca and filed a petition for habeas corpus requesting the Warden at FCI Waseca apply her First Step Act time credits towards her sentence.

4. I am also advised that the Warden informed Petitioner in March 2023 that she was subject to a "lodged ICE detainer for possible deportation." This statement was inaccurate.

5. Petitioner is subject to a Final Administrative Removal Order issued on February 28, 2018 and served on her at FCI Waseca on April 10, 2018. A true and correct copy of the Final Administrative Removal Order is attached to this Declaration as Exhibit 1.

6. This Final Administrative Removal Order remains in place currently and has not been appealed, stayed, or amended at any time since it was issued. As a result, Petitioner remains subject to the Final Administrative Removal Order.

I declare under penalty of perjury and pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Dated: 11/13/23



Neil Petrash
Deportation Officer, ICE
Fort Snelling, MN